

**IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF NEBRASKA**

HOME INSTEAD INC.,	)	
	)	
Plaintiff,	)	
	)	8:06CV437
v.	)	
	)	
MARWAN HADDAD and AMERICAN COMPANION CARE, INC.,	)	ORDER
	)	
	)	
Defendants.	)	

This matter is before the court *sua sponte*, pursuant to NECivR 41.1, which states in pertinent part: “The court may at any time dismiss an action for lack of prosecution when it appears it is not being prosecuted with reasonable diligence.” The record reveals the complaint was filed on June 16, 2006, and service of the summons was executed on the defendants on June 19, 2006. **See** Filing Nos. 1 & 5. While it appears attorney Kristen Woodruff entered an appearance on behalf of the defendants, no answer has been filed. **See** Filing No. 6. In any event, it remains the plaintiff’s duty to go forward in prosecuting the case by, for example, filing a motion for the Clerk’s entry of default pursuant to Fed. R. Civ. P. 55 and NECivR 55.1(a). Upon consideration,

**IT IS ORDERED:**

The plaintiff shall show cause why this case should not be dismissed for failure to prosecute. The showing of cause shall be filed electronically on or before the close of business **on September 7, 2006**.

DATED this 24th day of August, 2006.

BY THE COURT:

s/Thomas D. Thalken  
United States Magistrate Judge